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MINISTRY OF LAW

(Legislative Department)

New Delhi, the 30th December, 1958/Pausa 9, 1880 (Saka)

The following Acts of Parliament received the assent of the President on the 30th December, 1958, and are hereby published for general information:—

THE SALARIES AND ALLOWANCES OF MEMBERS OF
PARLIAMENT (AMENDMENT) ACT, 1958

No. 55 OF 1958

[30th December, 1958]

An Act further to amend the Salaries and Allowances of Members of Parliament Act, 1954

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the Salaries and Allowances of Members of Parliament (Amendment) Act, 1958. Short title.

2. In section 2 of the Salaries and Allowances of Members of Parliament Act, 1954 (hereinafter referred to as the principal Act),— Amendment of section 2.

30 of 1954.

(a) in clause (b), for the words “but does not include”, the words “but, save as otherwise expressly provided in this Act, does not include” shall be substituted;

(b) in clause (d), in sub-clause (i), for the words “end of the session”, the words “date on which the House of Parliament is adjourned *sine die* or for a period exceeding seven days” shall be, and shall be deemed always to have been, substituted.

Amendment
of section 3.

3. In section 3 of the principal Act, for the word "*plus*", the words "and subject to any rules made under this Act", shall be, and shall be deemed always to have been, substituted.

Amendment
of section 4.

4. In section 4 of the principal Act,—

(a) in sub-section (1),—

(i) after the words "every journey performed by him", the words "in India" shall be inserted;

(ii) for sub-clause (i) of clause (c), the following sub-clause shall be, and shall be deemed always to have been, substituted, namely:—

"(i) where the journey or any part thereof is performed by steamer, an amount equal to one and three-fifths of the fare (without diet) for the highest class in the steamer for each such journey or part thereof, or, if there is no regular steamer service, such amount for each such journey or part thereof as may be prescribed by rules made under section 9;"

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) There shall be paid to a member in respect of a journey performed by him in the course of a tour outside India undertaken in the discharge of his duties as such member, such travelling and daily allowances as may be prescribed by rules made under section 9."

Substitution
of new sec-
tion for
section 6.

Free transit
by railway.

5. For section 6 of the principal Act, the following section shall be substituted, namely:—

"6. (1) Every member shall be provided with one free non-transferable first class pass which shall entitle him to travel at any time by any railway in India.

Explanation.—For the purposes of this sub-section, a member shall include a Minister as defined in the Salaries and Allowances of Ministers Act, 1952, and an officer of Parliament as defined in the Salaries and Allowances of Officers of Parliament Act, 1953, other than the Chairman of the Council of States. 58 of 1952. 20 of 1953.

(2) A free railway pass issued to a member under sub-section (1) shall be valid for the term of his office and on the expiration of such term, the pass shall be surrendered to the Secretary of the House of the People or the Council of States, as the case may be:

Provided that where any such pass is issued to a new member before he takes his seat in either House of Parliament, he

shall be entitled to use the pass for attending a session of that House for taking his seat therein.

(3) Until a member is provided with a free railway pass under sub-section (1), he shall be, and shall be deemed always to have been, entitled to an amount equal to one first class fare for any journey of the nature referred to in sub-section (1) of section 4 performed by him by rail.

(4) A member who on ceasing to be a member surrenders his pass shall, if he performs any return journey by rail of the nature referred to in sub-section (1) of section 4, be entitled and be deemed always to have been entitled in respect of that journey to an amount equal to one first class fare.

(5) Nothing in this section shall be construed as disentitling a member to any travelling allowances to which he is otherwise entitled under the provisions of this Act."

6. In section 7 of the principal Act, for the words "Where the interval between the termination of one session of a House of Parliament or, as the case may be, one sitting of a committee and the commencement of another session or sitting at the same place", the following words shall be, and shall be deemed always to have been, substituted, namely:—

Amendment
of section 7.

"Where the interval between the adjournment of a House of Parliament or, as the case may be, one sitting of a committee and the re-assembly of that House or the next sitting of the committee at the same place".

7. In section 8 of the principal Act, for the word "medical", the words "medical facilities for himself and for members of his family and to such" shall be substituted.

Amendment
of section 8.

8. In section 9 of the principal Act,—

Amendment
of section 9

(a) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) A member of the Joint Committee shall hold office as such member for one year from the date of his nomination and any casual vacancy in the Joint Committee may be filled by nomination by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.

Explanation.—In the case of a member of a Joint Committee holding office as such immediately before the

commencement of the Salaries and Allowances of Members of Parliament (Amendment) Act, 1958, the period of one year shall be computed from the date of such commencement.”;

(b) in sub-section (3),—

(i) after the word “may”, the words “after consultation with the Central Government” shall be inserted;

(ii) in clause (c), the following words shall be added at the end, namely:—

“and the reduction of the daily allowance where a member is provided with free board or lodging at the expense of the Government or a local authority;”;

(iii) after clause (d), the following clauses shall be inserted, namely:—

“(dd) the travelling allowance admissible in respect of journeys performed by any vessel where there is no regular steamer service;

(ddd) the travelling and daily allowances admissible for journeys performed by a member in the course of a tour outside India undertaken in connection with his duties as such member;”.

Amendment
of section 10.

9. Section 10 of the principal Act shall be re-numbered as sub-section (1) thereof, and after the said sub-section as so re-numbered, the following sub-sections shall be inserted, namely:—

“(2) All travelling and daily allowances paid to a member before the commencement of the Salaries and Allowances of Members of Parliament (Amendment) Act, 1958, in respect of journeys performed by him in the course of a tour outside India in the discharge of his duties as such member, shall be deemed to have been validly paid and the payment of such allowances shall not be called in question by any authority.

(3) All rules providing for any of the matters included in sub-section (3) of section 9 by the Salaries and Allowances of Members of Parliament (Amendment) Act, 1958, made before the commencement of that Act and in force at such commencement shall be deemed to have been validly made as if the said sub-section as amended by that Act had been in force on the date on which such rules were made.”.

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY
(CONSTITUTION AND PROCEEDINGS) VALIDATION
ACT, 1958

No. 56 OF 1958

[30th December, 1958]

An Act to validate the constitution and proceedings of the Legislative Assembly of the New State of Himachal Pradesh formed under the Himachal Pradesh and Bilaspur (New State) Act, 1954.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the Himachal Pradesh Legislative Short title.
Assembly (Constitution and Proceedings) Validation Act, 1958.

2. In this Act, "new Legislative Assembly" means the body of Definition.
persons deemed under clause (a) of section 3 to have been the
duly constituted Legislative Assembly of the New State of Himachal Pradesh.

3. Notwithstanding anything contained in any law or in any Validation of
judgment, decree or order of any court,— the constitution and
proceedings of the
Legislative
Assembly of
the new
State of
Himachal
Pradesh.

(a) the body of persons summoned to meet from time to time as the Himachal Pradesh Legislative Assembly (Himachal Pradesh Vidhan Sabha) during the period commencing on the 1st day of July, 1954, and ending with the 31st day of October, 1956, by the Lieutenant-Governor of Himachal Pradesh in the exercise or purported exercise of the powers conferred on him by section 9 of the Government of Part C States Act, 1951, shall be deemed for all purposes to have been the duly constituted Legislative Assembly of the new State of Himachal Pradesh formed under section 3 of the Himachal Pradesh and Bilaspur (New State) Act, 1954;

(b) the persons who sat or voted or otherwise took part in the proceedings of the new Legislative Assembly shall be deemed to have been entitled so to do as members;

(c) the persons who functioned as the Speaker and the Deputy Speaker of the new Legislative Assembly shall be deemed to have been duly chosen as the Speaker and the Deputy Speaker respectively;

and accordingly—

(i) any Bill passed by the new Legislative Assembly (whether the Bill was introduced in the new Legislative Assembly or was introduced in the Legislative Assembly of

49 of 1951.

3 of 1954.

Himachal Pradesh functioning immediately before the 1st day of July, 1954) and assented to by the President shall be deemed to have been validly enacted and to have the force of law;

(ii) any grant made, resolution passed or adopted, proceeding taken or any other thing done by or before the new Legislative Assembly shall be deemed to have been made, passed, adopted, taken or done in accordance with law.

Court not to question validity of proceedings of new Legislative Assembly on the ground of defect in constitution, etc. Repeal.

4. No court shall question any Act passed, or any grant, resolution, proceeding or thing made, passed, adopted, taken or done, by or before the new Legislative Assembly merely on the ground that the new Legislative Assembly had not been duly constituted or on the ground that a person who was not entitled so to do presided over, sat or voted or otherwise took part in the proceedings of the new Legislative Assembly.

5. The Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Ordinance, 1958, is hereby repealed. 7 of 1958.

THE ORISSA WEIGHTS AND MEASURES (DELHI REPEAL) ACT, 1958

No. 57 of 1958

[30th December, 1958]

An Act to provide for the repeal of the Orissa Weights and Measures Act, 1943, in its application to the Union territory of Delhi.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Orissa Weights and Measures (Delhi Repeal) Act, 1958.

Definitions.

2. In this Act,—

(a) "Orissa Act" means the Orissa Weights and Measures Act, 1943, as extended to Delhi by notification under section 7 of the Delhi Laws Act, 1912;

Orissa Act
7 of 1943.
13 of 1912.

(b) "Rajasthan Act" means the Rajasthan Weights and Measures (Enforcement) Act, 1958, as extended to the Union territory of Delhi by notification under section 2 of the Union Territories (Laws) Act, 1950.

Rajasthan
Act 32 of
1958.
30 of 1950.

Repeal of Orissa Act.

3. On the date on which the Rajasthan Act or any provision contained therein comes into force by virtue of a notification issued under sub-section (3) of section 1 of that Act in the Union territory of Delhi or any part thereof in respect of any class of undertakings

or any class of goods, the Orissa Act or any provision contained therein, which is applicable to those undertakings or goods in the said territory or part thereof, as the case may be, shall stand repealed:

Provided that the repeal shall not affect—

(a) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if that Act had not been repealed.

G. R. RAJAGOPAUL, Secy.

